

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBERTA L.)
EAMES, and TAMMY EAMES, on behalf)
of themselves and all others similarly)
situated,)

Plaintiffs,)

v.)

NATIONWIDE MUTUAL INSURANCE)
COMPANY,)

Defendant.)

Civil Action No. 04-1324-KAJ


**ORDER ADOPTING SPECIAL DISCOVERY MASTER'S
JANUARY 4, 2006 REPORT AND RECOMMENDATION**

This is a proposed class action involving insurance coverage issues. (D.I. 7 at 1.) Because of the parties' history of continuous and contentious discovery disputes (*see, e.g.*, D.I. 52, 66, 77), I appointed a Special Discovery Master ("SDM") to assist in dealing with the steady flow of problems that have arisen. (D.I. 106.) The first issues taken up by the SDM became the subject of his Report and Recommendation dated January 4, 2006. (D.I. 132.) It is a thoughtful and thoroughly documented review of the issues presented.

Since, sadly, counsel are barely constrained in their contempt for one another, the SDM's balanced approach seems utterly out of balance to them. (*See, e.g.*, D.I. 142, Eames Plaintiffs' Motion for Adoption and Supplementation of the SDM's January 4, 2006 Report and Recommendation, at 2 ("Nationwide's conduct is actually **worse** than the SDM portrayed it; and it demands and even more forceful response than the SDM's report contemplates." (original emphasis)); D.I. 148, Defendant's Response to

Plaintiffs' Motion for the Adoption and Supplementation of the SDM's January 4, 2006 Report and Recommendation, at 2 ("The record before the SDM fails to support the conclusions and recommendations recommended by the SDM.") Nevertheless, upon review of the Report and Recommendation, the parties' various submissions with respect to it, and appropriate consideration of the issues raised, see Fed. R. Civ. P. 53(g)(3), (4), and (5), I conclude, for the reasons stated in the Report itself, that the Recommendations are well-founded and should be adopted in their entirety.

Accordingly, it is hereby ORDERED that the January 4, 2006 Report and Recommendation of the SDM is adopted and incorporated herein as if fully set forth, and that the recommendations contained therein are, by this order, made binding upon the parties. The Eames Plaintiffs' Motion for Adoption and Supplementation (D.I. 142) is therefore GRANTED in part, to the extent that it seeks adoption of the recommendations made by the SDM, and is DENIED in all other respects. The Defendants' Objections to the Findings and Recommendations of the SDM (D.I. 143) are therefore OVERRULED and the relief sought in connection with those objections is DENIED.


UNITED STATES DISTRICT JUDGE

April 6, 2006
Wilmington, Delaware